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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,480	07/19/2010	Ralph Von Bordelius	5100.P0123US	6382

23474 7590 11/30/2016
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

EXAMINER

MORGAN, EMILY M

ART UNIT	PAPER NUMBER
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3677

NOTIFICATION DATE	DELIVERY MODE
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11/30/2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RALPH VON BORDELIUS and OSWALD FLIK

Appeal 2015-002926^{1,2}
Application 12/735,480
Technology Center 3600

Before MICHAEL C. ASTORINO, PHILIP J. HOFFMANN, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 5–9. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Claim 5 is the only independent claim. *See* Br., Claims App. We reproduce claim 5, below, as representative of the appealed claims.

5. An object-caster combination comprising an object to be supported and a caster for supporting the object, the object

¹ Our decision references Appellants' Appeal Brief ("Br.," filed Oct. 7, 2014), as well as the Final Office Action ("Final Action," mailed July 30, 2014) and the Examiner's Answer ("Answer," mailed Nov. 21, 2014).

² According to Appellants, "GROSS & FROELICH GMBH & CO. KG is . . . the real party in interest." Br. 1.

having a blind hole with a smooth wall surface circumferentially surrounding an opening of the blind hole and the caster having a housing, which is rotatably fastened, by means of a caster stem arranged perpendicularly in an opening of the housing, to the object, the caster stem having a first section, which is arranged in the opening of the housing, and a second section, which projects beyond the housing, the second section of the caster step having at least two mutually spaced annular grooves provided therein and, in each of the annular grooves, an elastic retaining ring is arranged without play for engaging with the smooth wall surface of the object's blind hole.

Id.

REJECTION AND PRIOR ART

The Examiner rejects claims 5–9 under 35 U.S.C. § 103(a) as unpatentable over Melara (US 2005/0086765 A1, pub. Apr. 28, 2005), Munier (US 3,326,580, iss. June 20, 1967), and Greene (US 4,129,921, iss. Dec. 19, 1978). *See* Final Action 2–6.

ANALYSIS

Based on our review of the record, including the Final Action, the Examiner's Answer, and Appellants' Appeal Brief, we are not persuaded by Appellants' arguments of error in the Examiner's obviousness rejection of claims 5–9. Thus, we sustain the rejection of the claims.

Appellants argue that the rejection is in error because “Munier . . . and Greene . . . must contain teachings that would motivate one of ordinary skill . . . to modify . . . Melara . . . in a manner that would yield the presently claimed invention. It is respectfully submitted that these references contain no such disclosure.” Br. 4. However, the Supreme Court discussed circumstances in which a patent may be determined to be obvious without an

explicit teaching, suggestion, or motivation provided by the prior art. In particular, the Supreme Court reaffirmed that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). Still further, the Court stated that when considering obviousness, “the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *Id.* at 418. In this case, the Examiner determines that

[i]t would have been obvious . . . to duplicate the grooves and retaining rings as taught by Melara, as suggested by Munier, for the purpose of creating a “play[-]free joint[.]” . . . [The] Examiner notes that the obvious means to add another groove and elastic ring would be to extend the narrowed section 12 in order to apply another ring [18] and another washer 16.

Final Action 4. Thus, the Examiner’s proposed modification relies on Munier’s teaching of providing two rings in two grooves as a reason to extend Melara’s end stem 12 to accommodate a duplicate of each of Melara’s ring 18 and bush 16, such that the modified arrangement would result in “the second section of the caster step having at least two mutually spaced annular grooves provided therein and, in each of the annular grooves, an elastic retaining ring is arranged without play” as required by claim 5. We determine that Examiner’s proposed modification appears to be predictable, and we are not persuaded by Appellants that there is anything unpredictable about the Examiner’s proposed modification.

Although Appellants argue that the rejection is in error because “[t]he device of Munier . . . is designed to be used within an internally grooved cylindrical member so that the grooved surfaces are cooperatively

associated,” this argument is not persuasive. Br. 4–5. As explained by the Examiner, “Munier is not being used to teach including grooves in a bore for use with retaining rings. Examiner notes that Munier is utilized solely to show that it is known to place multiple retaining rings on a shaft that is placed into a bore.” Answer 2–3. Appellants fail to persuade us that Munier’s teaching of a stem including multiple grooves and locking rings may not be applied to Melara’s device because Melara is not used with a grooved bore.

Appellants further argue that “Greene adds nothing to the disclosure of . . . Melara . . . as [Greene] does not disclose the provision of two grooves or annular recesses on a caster stem and elastic retaining rings provided without play in each of the annular grooves.” Br. 6. However, as discussed above, we determine that the Examiner’s proposed modification of Melara, based on Munier, results in the predictable arrangement of “the second section of the caster step having at least two mutually spaced annular grooves provided therein and, in each of the annular grooves, an elastic retaining ring is arranged without play” as required by claim 5.

Based on the foregoing, we sustain the obviousness rejection of claim 5. Further, Appellants do not separately argue the rejection of claims 6–9 that depend from claim 5, and, thus, we sustain the rejection of the dependent claims as well.

DECISION

We AFFIRM the Examiner’s obviousness rejection of claims 5–9.

Appeal 2015-002926
Application 12/735,480

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED